

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 26, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Campbell moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated November 19, 2002. Campbell, Hudkins, Heier and Workman voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, November 26, 2002.

MOTION: Heier moved and Hudkins seconded approval of all claims processed through November 26, 2002. Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair requested that New Business Item 5I be moved forward.

5I. Appointment of Robert B. Evnen to the Lancaster County personnel board for the unexpired term of Mark Schorr, ending June 30, 2004.

Kerry Eagan, Chief Administrative Officer, introduced Robert Evnen to the County Board.

Evnen stated he has practiced in the area of labor relations and employment law for 25 years. After attending college in California and practicing law there for ten years, he and his wife moved back to Lincoln.

MOTION: Campbell moved and Heier seconded approval of the appointment of Robert B. Evnen to the Lancaster County Personnel Board for the unexpired term of Mark Schorr, ending June 30, 2004. Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

4) PUBLIC HEARINGS:

The Chair opened the public hearing on the Comprehensive Plan Amendments.

Heier declared a conflict of interest on Items 4A and 4E and exited the Chambers at 1:38 p.m.

A. Comprehensive Plan Amendment Number 02001, requested by the Director of Planning, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan sections regarding land use, transportation, parks and recreation and utilities, to reflect the needed improvements to serve the E-3 subarea generally located between 84th and 120th Streets, from south of Pioneers Boulevard to "O" Street, as inside the Future Service Limit.

The Chair asked if anyone wished to provide testimony.

David Johnson, Deputy County Attorney, appeared and requested that the Factsheets for the amendments, provided by the Planning Department, be made a part of the record.

4) **PUBLIC HEARINGS CONTINUED:**

No one appeared.

Offered and marked for the record were the Factsheets, prepared by the Planning Department, relating to Comprehensive Plan Amendments (Exhibit 1 through Exhibit 7 and Exhibit 9 through Exhibit 12).

E. Comprehensive Plan Amendment Number 02002.4, requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Streets, south of Old Cheney Road.

The Chair asked if anyone wished to provide testimony.

Kent Seacrest, attorney representing Connie Heier and Patricia Slaughter, appeared and explained that the amendment was to change the Comprehensive Plan to show as Low Density Residential. He stated the property has also been associated with "the build through" concept. Seacrest stated the proposal did not receive staff support, however, it received the support of the Planning Commission and City Council. It was also noted that the City Council also approved the associated change of zone to formally change the zoning to AGR.

B. Comprehensive Plan Amendment Number 02001.A, requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the northeast corner of 84th and Van Dorn Streets.

Heier re-entered the Chambers at 1:52 p.m.

The Chair asked if anyone wished to provide testimony.

No one appeared.

The Chair noted that the City Council placed the amendment on pending at the request of the applicant, however, Planning Commission and Planning staff recommended denial.

4) **PUBLIC HEARINGS CONTINUED:**

Steve Henrichsen, Planning Department, appeared and concurred that the applicant had requested that both 4B (Comprehensive Plan Amendment 02001.A) and 4C (Comprehensive Plan Amendment 02001.B) be placed on pending.

C. Comprehensive Plan Amendment Number 02001.B, requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the southeast corner of 84th and South Streets.

The Chair asked if anyone wished to provide testimony and noted that the applicant requested the item be placed on pending.

No one appeared.

D. Comprehensive Plan Amendment Number 02002.2, requested by the University of Nebraska-Lincoln, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to modify the land use designation for the Downtown Campus and the East Campus area to reflect current boundaries and future expansion of the University.

The Chair asked if anyone wished to provide testimony.

John Benson, Director of Institutional Research and Planning for the University of Nebraska-Lincoln, appeared to answer questions.

E. Comprehensive Plan Amendment Number 02002.4, requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Streets, south of Old Cheney Road.

This item was previously heard.

4) **PUBLIC HEARINGS CONTINUED:**

F. Comprehensive Plan Amendment Number 02002.8, requested by Arvid and Wava Wunderlich and Cornhusker Energy Lexington, L.L.C., to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 140 acres from Agriculture and Agriculture Stream Corridor to Industrial, on property generally located at North 162nd Street and Highway 6.

The Chair asked if anyone wished to provide testimony and noted that the Planning staff, Planning Commission and City Council recommended denial.

G. Comprehensive Plan Amendment Number 02002.9, requested by the Lancaster County Agricultural Society, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 10 to 12 acres of Public/Semi-Public and Greenspace to Commercial, on property generally located at the southeast corner of North 84th Street and Havelock Avenue.

The Chair asked if anyone wished to provide testimony.

Henrichsen indicated the applicant requested that the amendment be withdrawn. City Council took no action.

Offered and marked for the record was documentation from Charles Willnerd, Lancaster County Agricultural Society, requesting the amendment be withdrawn (Exhibit 8).

H. Comprehensive Plan Amendment Number 02002.11, requested by Brian D. Carstens and Associates on behalf of Krein Real Estate, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change property from Public and Semi-Public to Commercial, generally located approximately one block southeast of South 70th Street and "O" Street.

The Chair asked if anyone wished to provide testimony and noted that recommendation was for approval by the Planning staff, Planning Commission and City Council.

No one appeared.

4) **PUBLIC HEARINGS CONTINUED:**

- I. Comprehensive Plan Amendment Number 02002.12, requested by J. Michael Rierden on behalf of Lincoln Federal Savings Bank, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to move the Community Center designation to one-half mile north of 40th Street and Rokeby Road, and to designate a new commercial Neighborhood Center generally southeast of South 27th Street and Yankee Hill Road.**

The Chair asked if anyone wished to provide testimony.

J. Michael Rierden, attorney representing Lincoln Federal Savings Bank, appeared and gave a brief explanation of the amendment.

Recommendation by the Planning staff, Planning Commission and City Council was approval.

- J. Comprehensive Plan Amendment Number 02002.14, requested by Kent Seacrest on behalf of Land Construction, Inc., to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 257 acres from Commercial to Industrial, on property generally located at Southwest 56th Street, south of "O" Street.**

The Chair asked if anyone wished to provide testimony.

Kent Seacrest, attorney representing Land Construction Inc., appeared to briefly explain the amendment. He noted Planning staff, Planning Commission and City Council recommended approval.

- K. Comprehensive Plan Amendment Number 02003, requested by the Director of Planning at the request of the Director of Parks and Recreation, to amend the "*Future Conditions: Parks, Recreation and Open Space*" section of the 2025 Lincoln-Lancaster County Comprehensive Plan to correct the text regarding the description of neighborhood parks relating to the number of acres comprising a typical neighborhood park site.**

The Chair asked if anyone wished to provide testimony, noting that Planning staff, Planning Commission and City Council recommended approval.

No one appeared and the public hearing was closed on the Comprehensive Plan Amendments.

Heier exited the Chambers at 2:10 p.m.

4) **PUBLIC HEARINGS CONTINUED:**

4A Comprehensive Plan Amendment 02001

MOTION: Campbell moved and Hudkins seconded approval of Comprehensive Plan Amendment Number 02001 and requested the County Attorney's Office to prepare a resolution. Workman, Hudkins and Campbell voted aye. Motion carried.

4E Comprehensive Plan Amendment 02002.4

MOTION: Hudkins moved and Campbell seconded approval of Comprehensive Plan Amendment 02002.4 and requested the County Attorney's Office to prepare a resolution. Campbell and Hudkins voted aye. Workman voted no. Motion carried.

Heier re-entered the Chambers at 2:15 p.m.

4B Comprehensive Plan Amendment 02001.A

MOTION: Campbell moved and Heier seconded to accept the request of the applicant and place Comprehensive Plan Amendment 02001.A on pending. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

4C Comprehensive Plan Amendment 02001.B

MOTION: Campbell moved and Heier seconded to accept the request of the applicant and place Comprehensive Plan Amendment 02001.B on pending. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

4D Comprehensive Plan Amendment 02002.2

MOTION: Campbell moved and Hudkins seconded approval of Comprehensive Plan Amendment 02002.2 and requested the County Attorney's Office to draft a resolution. Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

4F Comprehensive Plan Amendment 02002.8

MOTION: Hudkins moved and Campbell seconded to deny Comprehensive Plan Amendment 02002.8 and request the County Attorney's Office to draft a resolution. Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

4G Comprehensive Plan Amendment 02002.9

MOTION: Campbell moved and Heier seconded to grant the request of the applicant to withdraw Comprehensive Plan Amendment 02002.9. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

4H Comprehensive Plan Amendment 02002.11

MOTION: Campbell moved and Heier seconded approval of Comprehensive Plan Amendment 02002.11 and requested the County Attorney's Office to draft a resolution. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

4I Comprehensive Plan Amendment 02002.12

MOTION: Hudkins moved and Campbell seconded approval of Comprehensive Plan Amendment 02002.12 and requested the County Attorney's Office to draft a resolution. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

4J Comprehensive Plan Amendment 02002.14

MOTION: Campbell moved and Heier seconded approval of Comprehensive Plan Amendment 02002.14 and requested the County Attorney's Office to draft a resolution. Campbell, Heier, Workman and Hudkins voted aye. Motion carried.

4K Comprehensive Plan Amendment 02003

MOTION: Campbell moved and Heier seconded approval of Comprehensive Plan Amendment 02003 and requested the County Attorney's to draft a resolution. Hudkins, Campbell, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A contract with the Board of Regents, University of Nebraska, University of Nebraska Public Policy Center for the implementation of a human services needs assessment and comprehensive plan. The County shall pay up to \$105,000. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0565)**

The Clerk stated the County Attorney's Office had requested the contract be held.

- B. A Region V Network Provider Contract for services under the Projects for Assistance in Transition from Homelessness (PATH). The County, through the services of the Community Mental Health Center, would provide outreach services, community mental health services and screening and diagnostic services. The term of the agreement is October 1, 2002 to September 30, 2003. The County shall be paid up to \$32,500 for the services. The County will provide up to \$10,833. (C-02-0566)**

The Clerk stated the County Attorney's Office had requested the contract be held.

- C. Utility Permit 630 for the City of Lincoln Water System to install a 48 inch water line between Pine Lake Road and Yankee Hill Road in the right-of-way of South 84th Street. (C-02-0567)**

MOTION: Campbell moved and Heier seconded approval of Utility Permit 630 for the City of Lincoln Water System to install a 48 inch water line between Pine Lake Road and Yankee Hill Road in the right-of-way of South 84th Street. Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- D. An amendment to an interlocal agreement with the State of Nebraska Probation Administration. The original agreement was executed on October 22, 2002 under County Contract C-02-0533, for the administration of the Drug Treatment Court within Lancaster County. The amendment replaces the secretary position at a cost of \$18,922 with the position of case manager, at a cost of \$21,002. All other terms and conditions shall remain in full force and effect. (C-02-0569)**

Johnson explained that the County Attorney's Office would not be signing off on the amendment for legal approval. He stated the document requires advance payment for services prior to them being rendered.

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded approval of an amendment to an interlocal agreement with the State of Nebraska Probation Administration. The amendment replaces the secretary position at a cost of \$18,922 with the position of case manager, at a cost of \$21,002. All other terms and conditions shall remain in full force and effect. Workman, Campbell and Heier voted aye. Hudkins voted no. Motion carried.

E. An amendment to a utility relocation agreement with Norris Public Power District. The original agreement was for the purpose of adjustment and relocation of the utility's facility along the County project on Denton Road from Southwest 140th Street to Denton, Nebraska. The County Engineering Department has been advised that additional costs are necessary for the relocation. The County's share is an additional \$2,306.78. (C-02-0570)

MOTION: Hudkins moved and Campbell seconded approval of an amendment to a utility relocation agreement with Norris Public Power District. The original agreement was for the purpose of adjustment and relocation of the utility's facility along the County project on Denton Road from Southwest 140th Street to Denton, Nebraska. The County Engineering Department has been advised that additional costs are necessary for the relocation. The County's share is an additional \$2,306.78. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

F. A resolution in the matter of instituting eminent domain proceedings regarding Project C-55-X-402(5), Tract 4. (R-02-0137)

MOTION: Campbell moved and Heier seconded approval of Resolution R-02-0137 in the matter of instituting eminent domain proceedings regarding Project C-55-X-402(5), Tract 4. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

G. A resolution in the matter of instituting eminent domain proceedings regarding Project C-55-X-402(5), Tracts 7 and 8. (R-02-0138)

MOTION: Heier moved and Campbell seconded approval of Resolution 02-0138 in the matter of instituting eminent domain proceedings regarding Project C-55-X-402(5), Tracts 7 and 8. Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. Salary increase for Sheryl Schrepf, Administrator of the Lancaster County Office of Juvenile Mental Health, from \$73,903 to \$77,000, retroactive to the date of November 7, 2002.

MOTION: Heier moved and Campbell seconded approval of a salary increase for Sheryl Schrepf, Administrator of the Lancaster County Office of Juvenile Mental Health, from \$73,903 to \$77,000, retroactive to the date of November 7, 2002. Campbell, Workman and Heier voted aye. Hudkins voted no. Motion carried.

I. Appointment of Robert B. Evnen to the Lancaster County personnel board for the unexpired term of Mark Schorr, ending June 30, 2004.

This item was previously heard.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Clerk noted that Consent Item 6D was to be held

A. Receive and Place on File:

1. Lincoln City Libraries Director's Report for October, 2002.

B. Setting of a public hearing for Tuesday, December 10, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the issuance of Hospital Revenue Bonds, Series 2003 (BryanLGH Medical Center Project) by Hospital Authority Number 1 of Lancaster County, Nebraska, in an amount not to exceed \$45,000,000, for the benefit of BryanLGH Medical Center.

C. Request from Betty J Akin, an employee in the County Attorney's Office, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

6) CONSENT ITEMS CONTINUED:

- D. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Norris Public School at South 68th Street and Princeton Road. This is a donation. (C-02-0568)
- E. A resolution authorizing the installation of a driveway warning sign in advance of 6105 Olive Creek Road for eastbound traffic. (R-02-0136)

MOTION: Hudkins moved and Campbell seconded approval of the Consent Items with the exception of Item 6D which was held. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

7) ADJOURNMENT:

MOTION: Campbell moved and Heier seconded adjournment of the Board of Commissioners meeting at 2:35 p.m. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 26, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins

Commissioners Absent: Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting convened at 2:35 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Campbell moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated November 19, 2002. Campbell, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

CrossBridge Christian Church
Lincoln Christian School
Rosemont Alliance Church
Saint Elizabeth Regional Medical Center
Sisters of Mary Queen of Mercy
Union College
Vital Services Inc. (2 exemptions)

MOTION: Heier moved and Campbell seconded approval of motor vehicle tax exemptions for Lincoln Christian School, Rosemont Alliance Church, Saint Elizabeth Regional Medical Center, Sisters of Mary Queen of Mercy, Union College and Vital Services, Inc. and for CrossBridge Christian Church and for a 2002 Dodge Caravan for Vital Services subject to the vehicle(s) being titled and registered to the applicant. Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Heier moved and Campbell seconded adjournment of the Board of Equalization meeting at 2:37 p.m. Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk